

**REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

**I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-4 pending in this application. Claims 1, 3, and 4, which are independent, have been amended. It is submitted that these claims, as originally presented, were in full compliance with the requirements 35 U.S.C. §112. Support for this amendment is provided throughout the Specification as originally filed. No new matter has been introduced by this amendment. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which the Applicants are entitled.

**II. REJECTIONS UNDER 35 U.S.C. § 103(a)**

Claims 1-4 were rejected under 35 U.S.C. 103(a) as allegedly unpatentable over U.S. Patent No. 6,034,832 to Ichimura, et al. and further in view U.S. Patent No. 6,615,192 to Tagawa, et al.

Independent claim 1, as amended, recites, *inter alia*:

**“...checking in means for rendering unusable said contents recorded onto said second recording medium from said first recording medium;**

recording history information storing means for storing information regarding said contents as recording history

information at the time of said contents recorded on said first recording medium being recorded onto said second recording medium by said recording means and at the time of said contents recorded onto said second recording medium being rendered unusable,

**wherein said recording history information includes a check-out number which is decremented when said recording means records said contents on said first recording medium onto said second recording medium and is incremented when said checking in means renders unusable said contents recorded onto said second recording medium from said first recording medium;**” (Emphasis Added)

As understood by Applicants, U.S. Patent No. 6,034,832 to Ichimura, et al.

(hereinafter, merely “Ichimura”) relates to a system wherein management data for managing the allowance or prohibition of copies on a recording medium are recorded. When data is copied to a different recording media, the copy management data is recorded together with the main data, thereby restricting the reproducing operation of the main data.

As understood by Applicants, U.S. Patent No. 6,615,192 to Tagawa, et al.

(hereinafter, merely “Tagawa”) relates to a content copying system capable of copying content when the playback and record functions are included in the same disc drive. Tagawa is also capable of copying contents from a first recording medium to a second recording medium even when a transmission of a cipher key between the devices is strictly limited.

Applicants respectfully submit that nothing has been found in either Ichimura or Tagawa, taken alone or in combination, that would disclose or suggest the above-identified features of claim 1. Specifically, Applicants submit that Ichimura and Tagawa fail to disclose or suggest that a checking in means for rendering unusable said contents recorded onto said second recording medium from said first recording medium and that the recording history information includes a check-out number which is decremented when said recording means records said

contents on said first recording medium onto said second recording medium and is incremented when said checking in means renders unusable said contents recorded onto said second recording medium from said first recording medium, as recited in claim 1.

For reasons similar to or somewhat similar to those described above with regard to independent claim 1, amended independent claims 3 and 4 are also believed to be patentable.

### III. DEPENDENT CLAIMS

The other claims are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the above-identified reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

### CONCLUSION

In the event the Examiner disagrees with any of the statements appearing above with respect to the disclosures in the cited references, it is respectfully requested that the Examiner specifically indicate the portion, or portions, of the reference, or references, providing the basis for a contrary view.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

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